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MARCIA M. WALDRON

CLERK

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE

215-597-2995

Harrisburg Clerk of District Court
(District)

Date 10/18/02

Lehman v. Meyers
(Caption)

C. of A. No. 02-1203

Michael A. Lehman
(Appellant)

01-cv-1251
(D.C. No.)

RECEIVED

OCT 22 2002

Enclosures:

MARY E. D'ANDREA, CLERK

10/18/02 Certified copy of C. of A. Order by the Court/Clerk
(Date)

* XXXX Record* Supplemental Record (First) (Second) (Third)* Exhibits* State Court RecordXXXX Copy of this form to acknowledge receipt and return to C. of A. Record not returned at this time until appeal(s) closed at No.(s) Please forward Record to this office. The certified copy of order issued as the mandate on
is recalled.Dana Moore (267)-299- 4927

Deputy Clerk Telephone Number

* Mary Fidler (267)-299- 4917
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(Name)10-22-02
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Appeals (Record)

10/21/02

BPS-3

October 3, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 02-1203

MICHAEL A. LEHMAN

v.

ROBERT W. MEYERS, et al.

(M.D. Pa. Civ. No. 01-cv-01251)

Present: SCIRICA, BARRY and AMBRO, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's jurisdictional response; and
- (3) Appellant's notice of appeal, which may be treated as his request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/SR/dmm

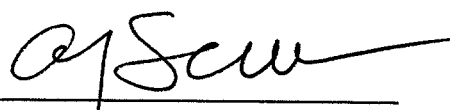
ORDER

The appeal is not dismissed for lack of jurisdiction. The foregoing request for a certificate of appealability is denied because, for substantially the same reasons given by the District Court, we conclude that the appellant's claims are procedurally defaulted.


A TRUE COPY:


Kathleen Brouwer,
Chief Deputy Clerk

By the Court,


Circuit Judge

Dated: October 18, 2002
DMM/cc: Mr. Michael A. Lehman
Clarence N. Patterson Jr., Esq.
H. Stanley Rebert, Esq.

14
10/23/02
Jp
FILED
HARRISBURG, PA
OCT 22 2002
MARY E. D'ANDREA, CLERK
Per  Deputy Clerk